

# **Exhibit 2**

## Appendix D

### Copies of State Responses

#### Alabama



Federal Communications Commission  
Washington, D.C. 20554

Approved by OMB  
3060-1122  
Expires: May 31, 2015  
Estimated time per response:  
10-50 hours

Pursuant to OMB authorization 3060-1122, the FCC's Public Safety and Homeland Security Bureau seeks the following specific information in order to fulfill the Commission's obligations under Section 6(f)(2) of the NET 911 Act:

1. Has your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (please include a citation to the legal authority for such mechanism)?

***Please insert an "X" below the appropriate answer.***

YES	NO
X	

**If "yes," please include a citation to the legal authority for such mechanism.**

**January 1, 2013 through September 30, 2013—**

Under § 11-98-5, Code of Alabama 1975, an emergency telephone service charge was established that upon a vote of the citizens could be imposed by the local Emergency Communications Districts (ECDs) on wired lines. Also, under § 11-98-7 and -8, Code of Alabama 1975, a state board and service charge were established for wireless connections. These mechanisms were repealed effective October 1, 2013 by Act 2012-293.

**October 1, 2013 through December 31, 2013—**

Under § 11-98-5, Code of Alabama 1975, a single, monthly statewide 911 charge was imposed on each active voice communications service connection in Alabama that is technically capable of accessing a 911 system.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services.

**January 1, 2013 through September 30, 2013—**

*For wired lines—*Local ECDs could impose a charge of up to 5% of the maximum tariff rate on



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wirelines within their district, except in counties with less than a population of 25,000, which could charge a flat rate of up to \$2.00. The charge varied from district to district.

*For wireless*—A state board levied a \$.70 charge per month per wireless customer on each wireless connection that had a place of primary use within the geographical boundaries of the State of Alabama.

October 1, 2013 through December 31, 2013—

The single, monthly statewide 911 charge was \$1.60 per connection for wired and wireless.

3. The total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2013.

January 1, 2013 through September 30, 2013—

*For wired lines*—Emergency Communication Districts are governed by local 911 boards and were not subject to any oversight from the state and, as previously stated, levied charges on wirelines at a variety of different rates across the districts; therefore, the current 911 office cannot directly account for the revenues on wirelines during this 9-month period.

*For wireless*—Based on the \$.70 charge per month per wireless customer on each wireless connection, total revenues for January 1<sup>st</sup> – September 30<sup>th</sup> totaled \$23,403,583.12.

October 1, 2013 through December 31, 2013—

Revenues collected pursuant to legislation that took effect on October 1<sup>st</sup> for the last three months of calendar year 2013 totaled \$18,571,140.81.

4. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria. In other words, identify whether your state has established a funding mechanism that mandates how collected funds can be used, and identify those allowed uses.

January 1, 2013 through September 30, 2013—

*Collection and distribution for wired lines*—Under § 11-98-5 (e), Code of Alabama 1975, the service supplier collected the emergency telephone service charge imposed by the local Emergency Communications District (ECD) and remitted that collection to the ECD no later than 30 days after the close of a calendar month.

*Collection and distribution for wireless*—Under § 11-98-7 and -8, the uniform \$.70 fee per month per customer per connection was collected by the service supplier and remitted to the state board for a monthly distribution to the local districts.

A district may expend available funds to establish a common address and location identification program and to establish the emergency service number database to facilitate efficient operation of the system. The governing body and the E911 board of the county or city affected



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shall jointly be responsible for purchasing and installing the necessary signs to properly identify all roads and streets in the district.

Funds generated from emergency telephone service charges shall be used to establish, operate, maintain, and replace an emergency communication system that may, without limitation, consist of the following: (1) Telephone communications equipment to be used in answering, transferring, and dispatching public emergency telephone calls originated by persons within the service area who dial 911. (2) Emergency radio communications equipment and facilities necessary to transmit and receive "dispatch" calls. (3) The engineering, installation, and recurring costs necessary to implement, operate, and maintain an emergency communication system. (4) Facilities to house E911 services as defined in this chapter, with the approval of the creating authority, and for necessary emergency and uninterruptable power supplies for the systems.

Some methods for collection and distribution of funds were repealed effective October 1, 2013 by Act 2012-293.

**October 1, 2013 through December 31, 2013—**

Under § 11-98-5, Code of Alabama 1975, service providers remit the monthly statewide 911 charge collected from the service subscriber to the state board by the end of the calendar month following the month the provider received the charges from its subscribers. The state board then makes the distribution to the local districts.

Under § 11-98-6 (a), (b), (c), and (d), Code of Alabama 1975:

- Funds received by a district pursuant to § 11-98-5.2 shall be used to establish, operate, maintain, and replace an emergency communication system that, without limitation, may consist of the following: (1) Telephone communications equipment to be used in answering, transferring, and dispatching public emergency telephone calls originated by persons within the service area who dial 911. (2) Emergency radio communications equipment and facilities necessary to transmit and receive dispatch calls. (3) The engineering, installation, and recurring costs necessary to implement, operate, and maintain an emergency communication system. (4) Facilities to house E-911 operators and related services as defined in this chapter, with the approval of the creating authority, and for necessary emergency and uninterruptable power supplies for the systems. (5) Administrative and other costs related to subdivisions (1) to (4), inclusive.
- A district or county or municipal governing body may receive federal, state, county, or municipal real or personal property and funds, as well as real or personal property and funds from private sources, and may expend the funds or use the property for the purposes of this chapter.
- Subject to the remaining provisions of this chapter and the approval of the 911 Board and the creating authority, two or more districts, cities, or counties, or a city and a county in another district may agree to cooperate, to the extent practicable, to provide funding and service to their respective areas, and a single board of commissioners of not more than seven members may be appointed to conduct the affairs of the entities involved. In the event that two or more districts are consolidated for purposes of this chapter, the base distribution amount as defined in § 11-98-5.2 (b) (3) shall include the combined base distribution amounts that would have been calculated for the individual districts.



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- Subject to rules that may be adopted by the 911 Board, a district may expend available funds to establish a common address and location identification program and to establish the emergency service number data base to facilitate efficient operation of the system. The governing body and the E911 Board of each county or city affected shall be jointly responsible for purchasing and installing the necessary signs to properly identify all roads and streets in the district.

5. A statement identifying any entity in your state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes.

Under § 11-98-4, upon the creation of a local district, the creating authority serves as or appoints a board of commissioners that have the authority to approve expenditure of funds collected for 911 or E911 purposes. Likewise, under §11-98-4.1 (e) (2), the statewide 911 board has the power and duty to administer the 911 fund and the monthly statewide 911 charge authorized by § 11-98-5.

6. A description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911.

Under § 11-98-6 (e), beginning with fiscal year 2013, the Department of Examiners of Public Accounts shall audit each local district on a biennial basis to ensure compliance with the requirements of this chapter regarding both revenues and expenditures.

7. A statement describing enforcement or other corrective actions undertaken in connection with such oversight, for the annual period ending December 31, 2013.

As of the time of submission of this report, no complete audit report on any local districts allowed for under § 11-98-6 (e) has been provided to the state board office. Several are in progress, but none have been completed by the Department of Examiners of Public Accounts. Any third-party audit performed during the annual period ending December 31, 2013 on local districts at the request of their governing body are not held directly by the state board.





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8. In the annual period ending December 31, 2013, were funds collected for 911 or E911 purposes in your state/jurisdiction made available or used solely for purposes designated by the funding mechanism identified in Question 1?

**Please insert an "X" below the appropriate answer.**

YES	NO
X	

9. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support (e.g., funds transferred, loaned, or otherwise used for the state's general fund), including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

To the knowledge of the state board, no funds collected or disbursed were utilized for purposes other than support or implementation of 911 or E911.

10. A statement identifying with specificity all activities, programs, and organizations for whose benefit your state, or political subdivision thereof, has obligated or expended funds collected for 911 or E911 purposes and how these activities, programs, and organizations support 911 and E911 services or enhancements of such services.

Funds collected for 911 or E911 have been received by the 88 Emergency Communications Districts (ECDs) in the State of Alabama and have been used to support the activities of those 911 districts by providing funding to maintain, and in some cases enhance, the 911 service provided to their populous. (See table below for complete list.)



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List of ECDs		
Adamsville (Municipality)	Elmore County	Marengo County
Auburn (Municipality)	Enterprise (Municipality)	Marion County
Autauga County	Escambia County	Marshall County
Baldwin County	Etowah County	Midfield (Municipality)
Barbour County	Fairfield (Municipality)	Mobile County
Bessemer (Municipality)	Fayette County	Monroe County
Bibb County	Fort Payne (Municipality)	Montgomery City
Birmingham (Municipality)	Franklin County	Montgomery County
Blount County	Gardendale (Municipality)	Morgan County
Bullock County	Geneva County	Mountain Brook
Butler County	Graysville (Municipality)	Perry County
Calhoun County	Greene County	Pickens County
Chambers County	Hale County	Pike County
Cherokee County	Henry County	Pleasant Grove (Municipality)
Chilton County	Homewood (Municipality)	Randolph County
Choctaw County	Hoover (Municipality)	Russell County
Clarke County	Houston County	Shelby County
Clay County	Hueytown (Municipality)	St Clair County
Cleburne County	Irondale City (Jefferson)	Sumter County
Coffee County	Jackson County	Talladega County
Colbert County	Jefferson County	Tallapoosa County
Conecuh County	Lamar County	Tarrant (Municipality)
Coosa County	Lauderdale County	Tuscaloosa County
Covington County	Lawrence County	Vestavia (Municipality)
Crenshaw County	Lee County	Walker County
Cullman County	Leeds (Municipality)	Washington County
Dale County	Limestone County	Wilcox County
Daleville City	Lowndes County	Winston County
Dallas County	Macon County	
Dekalb County	Madison County	

11. Does your state classify expenditures on Next Generation 911 as within the scope of permissible expenditures of funds for 911 or E911 purposes?

*Please insert an "X" below the appropriate answer.*

YES	NO
X	



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12. Has your state expended such funds on Next Generation 911 programs?

***Please insert an "X" below the appropriate answer.***

YES	NO
X	

13. If so, how much has your state expended in the annual period ending December 31, 2013 on Next Generation 911 programs?

During the annual period ending December 31, 2013, our state has expended a total of \$711,299.97 on the Alabama Next Generation Emergency Network (ANGEN) project.

14. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Please note that a change in legislation (Act 2012-293) took effect on October 1, 2013 and accounts for the submission of information regarding two distinct timeframes during the FCC's annual reporting period (i.e. January 1-September 30, 2013 and October 1-December 31, 2013.)